

Remarks

The Official Action dated July 15, 2005 has been carefully reviewed. In view of the amendments submitted herewith and the following remarks, favorable reconsideration and allowance of this application are respectfully requested.

Claims 29-35, 37, 48, and 65-69 stand rejected under 35 U.S.C. §112, first paragraph as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey that the inventors had possession of the invention at the time the application was filed.

The Examiner has also rejected claims 29-35, 37, 48, and 65-69 asserting that the specification fails to adequately enable the claimed subject matter.

Claim 70 is objected to as being dependent on a rejected base claim but would be in condition for allowance if rewritten in independent form.

Applicants submit that the claims as presently amended are in condition for allowance. Accordingly, the above-noted rejections under 35 U.S.C. §112, first paragraph is traversed for the reasons set forth below.

THE SUBJECT MATTER OF CLAIMS 29-35, 37, 48, 65-69 AS AMENDED IS FULLY ENABLED AND DESCRIBED IN THE SPECIFICATION AS FILED

The Examiner has rejected claims 29-35, 37, 48, and 65-69 under 35 U.S.C. §112, first paragraph asserting that the specification does not provide an adequate written description of the subject matter encompassed by these claims.

Specifically, the Examiner contends that the claims still read on moderate stringency conditions which would recover a multitude of enzymes other than RdRP enzymes. While continuing to disagree with the Examiner (as sequences which

encode a protein lacking RdRP activity are NOT within the scope of the present claims) Applicants have further amended group 3) of claim 1 to require that the specifically hybridizing nucleic acid be more than 90% identical to the coding region of SEQ ID NO: 1. Support for this amendment can be found at page 8, lines 9-10. The recitation of enzymatically active fragments has also been eliminated from the claims. Applicants respectfully submit that the subject matter of claim 29 and claims dependent therefrom as amended is fully described in the specification. Applicants have provided the full length sequence of SEQ ID NO: 1 which encodes the RdRP of SEQ ID NO: 2 of the invention. Applicants have also set forth hybridization conditions for identifying polynucleotides which hybridize to the nucleic acid of SEQ ID NO: 1. Inasmuch as the full sequence encoding RdRP is provided in the application, it cannot be reasonably be maintained that sequence variants which are more than 90% identical to this sequence and which possess RdRP activity do not have an adequate written description.

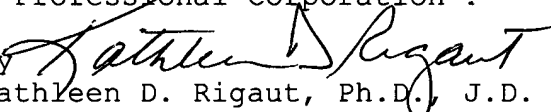
Claims 29-35, 37, 48, 64-70 and 72-74 are also rejected under 35 U.S.C. §112, first paragraph. It is the Examiner's position that the specification does not provide enablement for the sequences encompassed by the claims.

Applicants respectfully submit that the skill in the art of molecular biology and the creation of transgenic plants is quite high. The skilled artisan in this field could readily generate sequences which are more than 90% identical to the coding region of SEQ ID NO: 1 which retain RdRP activity without undue experimentation. Nothing more is required under 35 U.S.C. §112, first paragraph. Accordingly, Applicants request that the rejection of claims 29-35, 37, 48, and 65-69 for inadequate written description and enablement be withdrawn.

CONCLUSION

The present communication is completely responsive to the issues raised in the Official Action of July 15, 2005. Applicants believe that the claims as they stand are in condition for ready allowance. In the event the Examiner is not persuaded as to the allowability of any claim, and it appears that any outstanding issues may be resolved through a telephone interview, the Examiner is requested to telephone the undersigned attorney at the phone number given below.

Respectfully submitted,
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